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REMARKS

Claims 1-34 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

Claims 1-5, 7-14, 16-20, 22-29 and 31 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,839,972 to Jackson et al. Applicant would like to note that the Jackson et al. '972 patent issued after the filing date of the present application such that the Jackson et al. '972 patent could not properly be considered prior art under 35 U.S.C. §102(b). However, since Applicant submits that the Jackson et al. '972 patent does not include all of the features of the present invention as claimed, Applicant has submitted arguments below for such allowability, but reserves the opportunity to swear behind the Jackson et al. '972 patent in the future.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (emphasis added). In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of anticipation based upon the prior art. *In re Sun*, 31 U.S.P.Q.2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Applicant respectfully asserts that the Examiner has not yet met his burden of establishing a prima facie case of anticipation with respect to the rejected claims.

Claim 1 defines a portable wheel alignment apparatus including, among other things, a portable unit including a vertical post. The vertical post has a camera boom thereon. The camera boom is adapted to move vertically on the vertical post. At least one light reflector is adapted to be connected to a wheel of a vehicle. At least one docking station is included for the portable unit. Each one of the at least one docking station is configured to be positioned in front of a bay for a vehicle whereby the portable unit can be removably positioned in the at least one docking station and an alignment of the wheels of the vehicle in the bay can be measured through interaction of the camera boom and the at least one light reflector.

The prior art of record does not disclose or suggest the above noted features of claim 1. Specifically, Applicant submits that the Jackson et al. '972 patent does not disclose or suggest

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the portable unit including a vertical post, the vertical post having a camera boom thereon, the camera boom being adapted to move vertically on the vertical post along with the remaining features of claim 1. According to the Office Action, the Jackson et al. '972 patent includes two different embodiments of the self-calibrated position determination system. The first embodiment is shown in Fig. 1C and includes a camera 10R configured to move vertically on an upright 52. However, the camera in Fig. 1C does not move horizontally. In the second embodiment illustrated in Fig. 7B, an alignment camera 290 is configured to move horizontally, but not vertically. Furthermore, according to the Office Action, the Jackson et al. '972 patent suggests to combine these two embodiments "to provide an alignment apparatus that moves in an x-y plane." However, in order to anticipate a claim, "[t]he identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. §2131.

Accordingly, since the Jackson et al. '972 patent does not disclose the identical invention as shown in as complete detail as is contained in claim 1, the Jackson et al. '972 patent does not anticipate claim 1. Moreover, the embodiment in Fig. 7B is disclosed as moving along the x-y plane. See lines 62-64 of column 9 of the Jackson et al. '972 patent. The Jackson et al. '972 patent also discloses that the embodiment in Fig. 7A moves along the x-y plane. See lines 49-51 of column 9 of the Jackson '972 patent. Accordingly, the suggestion as set forth in the Office Action is already accomplished by the embodiment in Fig. 7B such that the modification as set forth in the Office Action would not improve the embodiment of Fig. 7B. Furthermore, Applicant submits that the reference to moving along an x-y plane refers to movement in a plane along a line, such that all references to moving cameras along the x-y plane are linear and therefore the Jackson et al. '972 patent does not disclose the features of claim 1. Furthermore, Applicant reserves the right to address any future modification of the Jackson et al. '972 patent as obviating claim 1 by arguing against any such modification or by submitting secondary indicia of obviousness in a future response. Accordingly, claim 1 is in condition for allowance.

Claims 2-15 depend from claim 1, and since claim 1 defines unobvious patentable subject matter as discussed above, claims 2-15 define patentable subject matter. Furthermore,

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in regard to claim 2, the prior art of record does not disclose or suggest the portable unit and at least two docking stations for the portable unit, whereby the portable unit can be removably positioned in the at least two docking stations. While the Jackson et al. '972 patent discloses a left side alignment module and a right side alignment module, the Jackson et al. '972 patent does not disclose a portable unit that can be removably positioned in the two docking stations. Accordingly, claim 2 is in condition for allowance. Furthermore, in regard to claim 5, the prior art of record does not disclose or suggest a portable unit that further includes a computer for determining the alignment of the wheels of the vehicle. Specifically, the Jackson et al. '972 patent does not disclose or suggest a portable unit that includes the computer.

Furthermore, in regard to claim 8, the prior art of record does not disclose or suggest that a first one of the portable unit and the at least one docking station include a retractable pin and a second one of the portable unit and the at least one docking station include an opening, wherein the retractable pin is configured to be inserted into the opening to lock the portable unit in place in the at least one docking station. According to the Office Action, the Jackson et al. '972 patent includes a portable unit mounted to a vertical post 52 and including a retractable pin 252, 254, 256, 258. However, according to the Office Action, the vertical post 52 is part of the portable unit. Accordingly, any retractable pin of the Jackson et al. '972 patent is only configured to be inserted into an opening of the portable unit, not in a docking station.

Moreover, in regard to claim 10, the prior art of record does not disclose or suggest a portable unit that includes at least one push bar for easily moving the portable unit. According to the Office Action, the Jackson et al. '972 patent includes at least one push bar 393. However, in the rejection of claim 1, the Office Action has identified the element 393 of the Jackson et al. '972 patent as being part of the at least one docking station. Accordingly, the element 393 of the Jackson et al. '972 patent is not part of the portable unit. Furthermore, in regard to claim 12, the prior art of record does not disclose or suggest a track that is configured to be attached to a ceiling of a bay. According to the Office Action, the Jackson et al. '972 patent teaches a portable wheel alignment apparatus when the track is capable of being attached to a ceiling of a bay. However, the Office Action has not identified where the Jackson et al. '972 patent discloses such a feature and Applicant is unable to find any such reference. Accordingly,

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Applicant respectfully requests the Examiner to identify where the Jackson et al. '972 patent discloses such a feature. If any subsequent Office Action cannot identify where the Jackson et al. '972 patent discloses such a feature, Applicant submits that claim 12 is in condition for allowance. Accordingly, claims 2-15 are in condition for allowance.

Claim 16 defines a method of measuring the alignment of a wheel of a vehicle comprising providing a portable unit including a vertical post, the vertical post having a camera boom with a camera thereon, connecting a light reflector to the wheel of the vehicle, engaging the portable unit with a docking station, moving the camera boom vertically on the vertical post, reflecting light off of the light reflector and receiving the light reflected off of the light reflector with the camera.

The prior art of record does not disclose or suggest the above-noted features of claim 16. Specifically, Applicant submits that the prior art of record does not disclose or suggest engaging a portable unit with a docking station and Applicant submits that the Jackson et al. '972 patent does not include all of the features of the claims as discussed above in regard to claim 1. Accordingly, claim 16 is in condition for allowance.

Claims 17-30 depend from claim 16, and since claim 16 defines unobvious patentable subject matter as discussed above, claims 17-30 define patentable subject matter. Furthermore, in regard to claim 17, the prior art of record does not disclose or suggest moving a portable unit to a subsequent station for docking the portable unit. Applicant submits that the Jackson et al. '972 patent does not disclose or suggest engaging the portable unit with a docking station, moving a camera boom vertically on a vertical post, and moving the portable unit to a subsequent station for docking the portable unit. As discussed above, Applicant submits that the Jackson et al. '972 patent does not anticipate claim 17 as it does not disclose moving a portable unit between two docking stations. Furthermore, in regard to claim 20, the prior art of record does not disclose or suggest providing a portable unit including providing the portable unit with a computer. As discussed above, Applicant submits that the Jackson et al. '972 patent does not disclose providing a portable unit with the computer. Furthermore, in regard to claim 23, the prior art of record does not disclose or suggest providing a first one of the portable unit and the docking station with a retractable pin and a second one of the portable

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unit and the docking station with an opening, and inserting the retractable pin to the opening to lock the portable unit in place in the docking station. As discussed above in regard to claim 8, the Jackson et al. '972 patent does not disclose a retractable pin inserted into the opening as claimed in claim 23. Moreover, in regard to claim 25, the prior art of record does not disclose or suggest providing a portable unit with at least one push bar. As discussed above in regard to claim 10, the Jackson et al. '972 patent does not disclose or suggest a portable unit with a push bar. Likewise, in regard to claim 27, the prior art of record does not disclose or suggest attaching a track to a ceiling. Applicant submits that the Jackson et al. '972 patent does not disclose or suggest attaching a track to a ceiling. Accordingly, claims 17-30 are in condition for allowance.

Claim 31 defines a portable wheel alignment apparatus comprising a portable unit including a camera boom vertically movable thereon, the camera boom including at least one camera. At least one light reflector is adapted to be connected to a wheel of a vehicle. At least two docking stations are included for the portable unit, each one of the at least two docking stations being configured to be positioned in front of a bay for a vehicle whereby the portable unit can be removably positioned in the at least one docking station and an alignment of the wheels of the vehicle in the bay can be measured through interaction of the camera boom and the at least one light reflector. The portable unit and each of the at least two docking stations include engaging mating structure. The engaging mating structure engage to selectively position the portable unit in one of the at least two docking stations.

The prior art of record does not disclose or suggest the above noted features of claim 31. Specifically, Applicant submits that the Jackson et al. '972 patent does not disclose or suggest at least two docking stations whereby a portable unit can be removably positioned in the at least two docking stations. Accordingly, claim 31 is in condition for allowance.

Claims 32 and 34 depend from claims 2 and 31, respectively, and further state that the portable unit is separate from and unattached to any of the docking stations as the portable unit is moved between the at least two docking stations. Applicant submits that the prior art of record does not disclose or suggest the above noted features of claims 32 and 34. Accordingly, claims 32 and 34 are in condition for allowance.

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New claim 33 depends from claim 17, and further defines the method as completely separating the portable unit from the docking station and the subsequent station. Applicant submits that the Jackson et al. '972 patent does not disclose or suggest any such step. Accordingly, claim 33 is in condition for allowance.

All pending claims 1-34 are believed to be in condition for allowance, and a Notice of Allowability is therefore earnestly solicited.

Respectfully submitted,

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Date

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